

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EUGENE SAWYER,

Petitioner,

V.

CARL S. ANDERSON,

Respondent..

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CASE NO. 1:05CV1469

Judge John R. Adams

ORDER & JUDGMENT

This Court has examined the Report and Recommendation (Report) of Magistrate Judge James S. Gallas, which was submitted in this matter on June 21, 2006. In his Report, the Magistrate Judge recommended that the Court dismiss Petitioner's case based on his Motion to Dismiss that was filed on April 11, 2006. Having reviewed the matter, the Court hereby adopts the Magistrate Judge's Report and dismisses Petitioner's case without prejudice. Pursuant to 28 U.S.C § 1915(a)(3), the Court certifies that Petitioner may not take an appeal from the this decision in good faith.

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IT IS SO ORDERED.

June 27, 2006
Date

s/John R. Adams

John R. Adams
U.S. District Judge